

Response Under 37 C.F.R. § 1.116  
Serial No. 09/688,863  
Sughrue Ref: Q61364

direction corresponding to the thickness of the flat cardboard plate to be cut. More specifically, Applicant argued that Witjes discloses that the knives 4 and 5 are adjustable, but does not disclose adjusting the position of the support table, as in the present invention. Further, with respect to Neal, Applicant argued that the bed plate E, which corresponds to the claimed support table, is not moveable in the vertical direction, perpendicular to the axis of the saw, as in the present invention. Instead, the bed plate E is adjustable in the direction parallel to the axis of the saws C. Furthermore, Applicant argued that the guide bars D do not support articles from below and therefore do not correspond to the claimed support table.

The Examiner's response is noted in paragraph 4 of the Office Action. First, it is clear that the Examiner is contending that the guide bars D in Neal correspond to the claimed support table. The Examiner contends that these guide bars are adjustable in a direction which is perpendicular to the axes of the saw. The Examiner states "In the orientation shown [in Figure 1], they support the workpiece from below." *See*, page 3 of Office Action. Applicant respectfully disagrees.

The Examiner fails to understand that that Figure 1 is a plan view -- i.e., looking down on the sawing machine. Thus, the guide bars are disposed on opposite horizontal sides of the workpiece. As shown in Figure 2, which is a side view, the workpiece is supported by the bed plate E. Thus, the Examiner's assertion that the workpiece in Neal is supported by the guide bars D is blatantly incorrect.

Apparently, recognizing that Applicant is correct on this point, the Examiner next states that "Even if this is not the case, at the very least, Witjes already includes a support table

Response Under 37 C.F.R. § 1.116  
Serial No. 09/688,863  
Sughrue Ref: Q61364

supporting the workpiece from below in the same orientation as shown in Fig. 1 of Neal, and Neal has been applied to teach the obviousness of the level adjusting mechanism. Applicant's arguments to the contrary is tangential to the issue at bar." In response, Applicant submits that the fatal problem with the Examiner's rejection is his assertion that Neal discloses a level adjusting mechanism for adjusting the relative position between the support table, upon which the workpiece rests, and the rotary cutters. Although the guide plate D are adjustable, they are in no way analogous to a support table since they clearly do not support the workpiece in a vertical direction. Moreover, the reference explicitly discloses that these guide bars are adjustable to receive stock of different widths. *See*, page 1, lines 61-70. In other words, there is no contemplation in Neal of adjusting the guide bars so as to adjust the center line of the workpiece with respect to the cutter; the center-line between the bars remains fixed, but the bars are moveable to receive stock of different widths. Accordingly, the Examiner's rejection is unsupported because Neal does not teach or suggest a level adjusting mechanism for adjusting the relative position between a support table and the first and second rotary cutters in the vertical direction according to a thickness of the workpiece, as the claims require.

In view of the foregoing, it is respectfully submitted that the application be passed to issue at the earliest possible convenience. Applicant is prepared to appeal the rejection should the Examiner disagree.

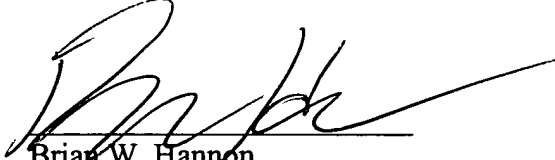
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

Response Under 37 C.F.R. § 1.116  
Serial No. 09/688,863  
Sughrue Ref: Q61364

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

  
Brian W. Hannon  
Registration No. 32,778

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: June 10, 2004